

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1-2, replaces the original sheet including Figs. 1-2. In Fig. 1, previously omitted text indicating "prior art" has been added.

Attachment: Replacement sheet

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-17 are pending in the application. Claims 1-13 and 15-17 have been amended. Claims 18 and 19 have been added. The amendment is fully supported by the original disclosure. No new matter has been introduced. The above amendment were, in many instances, made to clarify Assignee's claims and do not narrow the scope of the amended claims. Furthermore, in many instances, the above amendments broaden the literal scope of claims and/or claim elements.

Drawing objection

The Examiner has objected to Figure 1 not containing a legend designating Figure 1 as prior art.

In response, Assignee has supplied a replacement sheet amending Figure 1 to include a designation as "prior art".

Claim objection

The Examiner has objected to claims 2 and 9 for various informalities.

In response, Assignee has amended the dependency of claim 2 to now properly depend on claim 1. Additionally, Assignee has amended claim 9 to replace "comprising" with "comprises".

Claim rejections - 35 USC §112

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that it "is unclear as to whether the axles should penetrate a center of the plurality (i.e. the middle of the triangle that the plurality of rollers) or each axle should penetrate its respective roller." See page 3 of the Office Action.

In response, Assignee has amended claim 9 to clarify that "the one or more axles penetrate respective centers of the one or more drive rollers".

Claim rejections - 35 USC §102(b)

Claims 1-3, 5, 6, 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,309,064 (hereinafter "Tanno"). These rejections are respectfully traversed.

It is noted that the Examiner can establish anticipation only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131.01. It is asserted that the Examiner has not established that Tanno meets this requirement.

Assignee respectfully submits the Examiner has not established that Tanno discloses all of the elements of independent claim 1 as amended. For example, Examiner has not established that Tanno discloses "*an elastic member, wherein the elastic member is capable of causing the idle roller to exert a force on the belt to maintain tightness in the belt during feeding of the document; and wherein the idle roller and belt are located so as to receive the document via a feed-in path and to transmit the document via a feed-out path, and wherein the idle roller and belt are located so as to receive the document between the idle roller and the belt*". The Examiner has pointed to item 23 of Tanno as disclosing an idle roller activated by an elastic member. See page 4 of the Office Action. However, the Examiner has not established Tanno discloses that item 23 is activated to cause "*the idle roller to exert a force on the belt to*

maintain tightness in the belt as claimed. Specifically, column 6, lines 37-42 of Tanno describe the operation of item 23 of Tanno as follows:

At a position opposing to the transporting roller 18, a pinching roller 23 is provided. The pinching roller 23 contacts with the transporting belt 16 to be driven to rotate. The pinching roller 23 is contacted with the transporting belt 16 under pressure by a not shown spring for feeding the printing sheet P to the printing portion.

In contrast, column 6, lines 37-42 of Tanno describe the operation of pressure roller 19 and spring 22 of Tanno as follows:

The driving roller 17 and the transporting roller 18 is rotatably mounted on the platen 20. One end of the pressure roller 19 is rotatably mounted on one end the arm 21 which is pivotably mounted on the platen 20 at the other end. **A tension force is applied to the transporting belt by depressing the arm 21 by means of the spring 22.** On the other hand, the platen 20 is located lower side of the transporting belt 16 and serves for supporting the transporting belt 16. (emphasis added)

Accordingly, Assignee submits that the Examiner has failed to establish that roller 23 of Tanno anticipates an elastic member **"capable of causing the idle roller to exert a force on the belt to maintain tightness in the belt"**, as claimed. Additionally, Assignee submits that the Examiner has failed to establish that either roller 23 or roller 19 of Tanno anticipate both an idle roller **"wherein the idle roller and belt are located so as to receive the document between the idle roller and the belt"** as well as an elastic member **"capable of causing the idle roller to exert a force on the belt to maintain tightness in the belt"**, as claimed. In the absence of the Examiner pointing to such a disclosure in Tanno, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Tanno discloses the identical invention as is required for anticipation. See MPEP § 2131.

Claims 2-3, 5, 6, 9-19 are similarly not anticipated, at least on the same or similar basis as claim 1.

Claim rejections - 35 USC §103(a)

Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being obvious in view of Tanno. These rejections are respectfully traversed.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. MPEP 2142. To establish a prima facie case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Claims 4, 7 and 8 are similarly not obvious, at least on the same or similar basis as claim 1, as argued above with respect to the rejection under 35 U.S.C. 102. Specifically, Assignee respectfully submits the Examiner has not established that Tanno teaches or suggests *"an elastic member, wherein the elastic member is capable of causing the idle roller to exert a force on the belt to maintain tightness in the belt during feeding of the document; and wherein the idle roller and belt are located so as to receive the document via a feed-in path and to transmit the document via a feed-out path, and wherein the idle roller and belt are located so as to receive the document between the idle roller and the belt"*, as recited in independent claim 1. Likewise, claims 4, 7 and 8 are similarly not obvious due at least to their dependence on independent claim 1. In the absence of the Examiner pointing to such a suggestion, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders claims 4, 7 and 8 obvious.

It is noted that claimed subject matter may be patentably distinguished from the cited patent for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503)439-6500 if there remains any issue with allowance.

Additional Fees

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

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